REMARKS/ARGUMENTS

The application has been amended so as to place it in condition for allowance at the time of the next Official Action.

This case was filed with claims 1-8, claims 1 and 7 being independent. The present amendment adds claims 9-15, claim 9 being independent.

The specification has been amended as to form.

The originally-filed claims 1-8 were rejected under §103 as obvious over VATANEN 6,169,890 in view of MEADS 5,272,747.

VATANEN fairly discloses a mobile telephone system and method for carrying out financial transactions using a mobile telephone system as a security control. In the Abstract, there is disclosed a method and apparatus for user-initiated communications between user-accessible data terminal equipment and at least one service provider.

VATANEN is primarily concerned with security by verifying the user's identity as a threshold condition for the transaction to proceed. Again, the Abstract discloses that the user's identity is locally authenticated before a communications connection through the network is provided, and user access rights to particular services of the service provider are determined in a database at the service provider end of the network. Basically, VATANEN seems to be a portable PIN device that authenticates a user and a user's access rights with respect

to a pending action, thus preventing unauthorized transactions from occurring.

See column 2, beginning at line 24, disclosing that "[t]he solution according to the invention requires the initialization of the service card SIM-unit to always require the use of a PIN-code, the connection of service number applications demanding high data security...searching...the database required by the user and to which the user has a predetermined right according to the database register,...for the service management a service center for the control of access rights to the A- and B-number related services..."

VATANEN teaches that payment transactions can be secured on-line, by which the use of stolen and forged cards can be immediately prevented when the computer in question has been informed (column 2, line 57). Here the teaching is to use the mobile telecommunications link to control access and security.

The Official Action acknowledges that VATANEN does not teach the recited communications between the mobile communication unit, e.g., telephone, and the payment terminal. In particular, there is no disclosure of the mobile communication unit communicating ***the sales location*** to the payment terminal. This is not unexpected as normally a payment terminal is connected into a computer network and the location (sales location) of the

payment terminal is known. Accordingly, in the prior art, there is no need to advise the payment terminal of its location.

The present invention allows the use of payment terminals that can be relocated without programming into the terminal its new sales location. See this recited in claim 15.

MEADS is offered for the recited features missing in VATANEN.

MEADS discloses a mobile telephone system for public transportation vehicle, such as trains, cabs, etc., to provide services which include access to facsimile machines and other peripheral devices. MEADS does teach a range of payment options such as credit card or cash. See the Abstract.

As an initial matter, applicant believes that MEADS is non-analogous art to VATANEN. There is no reason for one concerned with secure financial transactions to look to MEADS which concerns providing the public with ad hoc mobile communications services. Indeed, MEADS teaches a mobile telephone system for use in vehicles, the focus of MEADS being a payment interface, i.e., having access control means for enabling access to and prevention of access to the mobile phone system. MEADS teaches that the access control means comprise an infeed coinage acceptor module for use in receiving coins of a predesignated denomination and internconnected with a mobile radio phone unit, a micro-controller operably linked to the

acceptor module and to a power supply in the vehicle, whereby, when coins of the predesignated denomination are inserted in the acceptor module, the micro-controller either allows or disallows access to the mobile phone according to coinage inserted in the coin acceptor. See column 2, beginning at line 21.

Thus, since MEADS concerns ad hoc mobile phone services and payment therefore, the motivation to combine MEADS with VATANEN is not believed to be viable.

Further, MEADS has not been found to teach all the missing recitations. Thus, even if the two references are combined, they are not seen as teaching all the recited features of the present invention.

In support of the missing recitations, including disclosure of the mobile communication unit communicating ***the sales location*** to the payment terminal, the Official Action offered MEADS column 3 (2?), lines 5-65; column 8, lines 35-55; and column 11, lines 10-65.

The disclosure of columns 2 and 3, concerns an access controller for payment processing that communicates with the mobile phone unit. Presumably, the Official Action reads payment terminal onto the access controller. However, no disclosure is found of the mobile phone unit communicating a location to the access controller, i.e., communicating a sales location.

As to column 8, lines 35-55, there is disclosure of the mobile phone having software to communicate with a PIN pad device via a RS232 serial port. The phone detects presence of the PIN pad device and, when a credit card is passed through the phones magnetic card reader, prompt the user to "Lift the PIN pad and follow the instructions". On completion of the sequence the phone will then prompt to "Please dial number". Further, "[s]o that the mobile payphone can be relatively language independent digitized human speech is used for user instructions where needed. If the user lifts the handset to place a call and proceeds to select functions in the correct manner no instructions will be given. If no buttons are pressed after a short time delay, or an incorrect sequence is attempted the user will be given audible instructions from a separate speaker integrated into the handset. Instructions are issued from the point in the sequence that the phone is currently placed. For example, if the user has dialed a number and is waiting for connection, as with a standard public switched network telephone, the phone will respond after a pre-set time interval with 'Press 'SEND' to start call or 'CLEAR' to correct the dialed number'."

Although this does disclose payment access control between the access control device and the mobile phone, there is no teaching of the mobile communication unit communicating ***the sales location*** to a payment terminal.

As to column 11, lines 10-65, these lines refer to patent claims 1-4. Claim 1 of MEADS recites a self contained cellular mobile radio phone with a handset having interface equipment including a keyboard microphone speaker and display means for displaying information relating to a phone call; means within the set for generating control signals and reading credit card data comprising at least a credit card reader with an associated administrative processor; and a coin acceptor mechanism having an entry/exit slot. Claims 2-4 detail the coin acceptor mechanism.

The recitations do not teach the mobile phone communicating ***the sales location*** to a payment terminal, e.g., the access control device.

Accordingly, the pending obviousness rejection is not believed to be viable. Therefore, applicant respectfully requests reconsideration and allowance of all the pending claims.

Applicant believes that the present application is in condition for allowance and an early indication of the same is respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 CFR §1.16 or under 37 CFR §1.17.

Respectfully submitted,

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